

## **REMARKS**

### **FORMAL MATTERS:**

Claims 1, 2, and 4-29 are pending after entry of the amendments set forth herein.

Claim 3 is canceled.

Claims 1 and 11 have been amended.

Claims 16-29 have been added.

No new matter is added.

### **REJECTIONS UNDER § 112**

Claims 1-10 and 15 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Office Action states that the phrase “an appropriate amount” in claim 1 renders the claim indefinite as it is unclear what amount of coupling agent is considered an appropriate amount and what amount of coupling agent is not an appropriate amount. (Office Action dated 6-9-10; page 2). Applicant has amended claim 1 to delete the phrase “an appropriate amount”, and thus respectfully submits that the rejection has been overcome.

### **REJECTIONS UNDER § 102 AND § 103**

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Atkinson et al. ‘471 (U.S. Patent No. 5,409,471).

Claims 4-7 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Atkinson et al. ‘471.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Messerschmidt et al. ‘951 (U.S. Patent No. 5,823,951) further in view of Follis ‘279 (U.S. Patent No. 6,045,279).

As noted in the “Allowable Subject Matter” section of the current Office Action, none of the cited references teaches or suggests, either alone or in combination, an article for applying a coupling agent to a tissue or a body part wherein the article comprises either: a backing comprising a nonpermeable material, or a substrate layer interposed between the backing and the layer of couple agent. Furthermore, the Office Action states that claims 3 and 8-10 would be

allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and intervening claims. (Office Action dated 6-9-10; page 5).

Accordingly, Applicant has amended claim 1 to overcome the rejection under 35 U.S.C. § 112, second paragraph, as explained above, and has further amended claim 1 to include all of the limitations of claim 3. Therefore, Applicant respectfully submits that claim 1 is in a condition for allowance. Furthermore, claims 2, 4-10, and 15 ultimately depend from claim 1, and thus include all limitations of claim 1. Therefore, Applicant respectfully submits that claims 2, 4-10, and 15 are in a condition for allowance for at least the same reasons as for claim 1.

Applicant has also amended claim 11 to require, in part, a backing comprising a nonpermeable membrane. Therefore, Applicant respectfully submits that claim 11 is in a condition for allowance because, as noted above, none of the cited references teaches or suggests, either alone or in combination, an article for applying a coupling agent to a tissue or a body part wherein the article comprises a backing comprising a nonpermeable material. Furthermore, claims 12-14 ultimately depend from claim 11, and thus include all limitations of claim 11. Therefore, Applicant respectfully submits that claims 12-14 are in a condition for allowance for at least the same reasons as for claim 11.

Applicant has also accordingly rewritten allowable claim 8 as new claim 16 to overcome the rejection under 35 U.S.C. § 112, second paragraph, set forth in this Office Action, and to include all of the limitations of the base claim, claim 1. Therefore, Applicant respectfully submits that new claim 16 is in a condition for allowance. Furthermore, claims 17-25 ultimately depend from claim 16, and thus include all limitations of claim 16. Therefore, Applicant respectfully submits that claims 17-25 are in a condition for allowance for at least the same reasons as for claim 16.

Applicant has also added new claim 26 which requires in part, a substrate layer interposed between the backing and the layer of couple agent. Therefore, Applicant respectfully submits that claim 26 is in a condition for allowance because, as noted above, none of the cited references teaches or suggests, either alone or in combination, an article for applying a coupling agent to a tissue or a body part wherein the article comprises a substrate layer interposed between the backing and the layer of couple agent. Furthermore, claims 27-29 ultimately depend from

claim 26, and thus include all limitations of claim 26. Therefore, Applicant respectfully submits that claims 27-29 are in a condition for allowance for at least the same reasons as for claim 26.

**CONCLUSION**

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ADCI-180.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: September 9, 2010

By: /Edward J. Baba, Reg. No. 52,581/  
Edward J. Baba  
Registration No. 52,581

Date: September 9, 2010

By: /Marcus T. Hunt, Reg. No. 66,577/  
Marcus T. Hunt  
Registration No. 66,577

EJB/MTH

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231